



DATE:	November 13, 2015
APPROVED BY:	Russell D. Schaedlich, Secretary

**MINUTES OF THE PUBLIC HEARING
ON THE EAGLE ESTATES SUBDIVISION'S PRELIMINARY PLAN
LOCATED IN CONCORD TOWNSHIP, OHIO
October 20, 2015**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Zondag declared the October 20, 2015 Public Hearing of the Eagle Estates Subdivision's Preliminary Plan open at 5:30 p.m.

ROLL CALL

Mr. Schaedlich took a roll call for attendance and the following members were present: Messrs. Adams, Brotzman, Morse, Schaedlich, Valentic, Walker (alt for Malecek), Zondag and Mmes. Hausch and Pesec (Alt. for Moran). Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Mr. Radachy, Ms. Jordan and Ms. Myers.

PUBLIC HEARING

Mr. Zondag read the following Notice of Public Hearing posted in the News Herald on September 19, 2015:

NOTICE OF PUBLIC HEARING

Notice of public hearing is hereby given on a proposed Preliminary Plan for the Eagle Estates Subdivision, Parcel 10A-022-0-00-016-0 located on Morley Road in Concord Township, Ohio. The Public Hearing will be held at 5:30 p.m. on Tuesday, October 20, 2015 at 125 East Erie Street, Painesville, Ohio in accordance with Sections 711.10 and 711.101 of the Ohio Revised Code and Lake County Subdivision Regulations.

Information on the Preliminary Plan for Eagle Estates is on file in the Lake County Planning Commission office, 125 East Erie Street, Painesville, Ohio, open 8:00 a.m. to 4:30 p.m., Monday thru Friday, (except holidays) or at www.lakecountyohio.gov/planning.

Randall Zondag, Chairman
Russell Schaedlich, Secretary
September 18, 2015

Mr. Radachy, Director of Planning and Community Development, was asked by the Chair to discuss the subdivision process so everyone would have a clear view of what the Planning Commission and its staff does in handling subdivisions. He showed a PowerPoint Flow Chart of the many steps involved in getting a subdivision approved.

Mr. Radachy explained that a major subdivision installs a new road and minor subdivisions are lots off an existing road. The Lake County Planning Commission administers both minor and major subdivisions. The Commission approves the major subdivisions and its staff approves the minor subdivisions.

Mr. Radachy stated there were five steps in the major subdivision approval process:

1. Pre-application meeting with the developer. This is the first time staff sees the subdivision. The developer brings in a concept plan of the piece of property. Staff calls the various reviewing agencies to meet: township trustees, fire department, Lake County Soil and Water Conservation District, County Engineer, Sanitary Engineer or Health District, school district, water companies, and all local utilities. On some occasions, township service departments are included. This is the first chance for staff to receive comments from other agencies to try and iron out some issues before it goes before the Planning Commission.
2. Preliminary plan review and approval, which is the first time the Commission sees it. It is a concept by a developer or owner on how he/she wants to develop his/her property. It is created under the supervision of a professional engineer or professional surveyor by using existing data from the GIS or from their own survey. Often they will choose not to spend the extra money for the on-site survey until they have to do the improvement plans. A wetlands delineation is required to be done by a professional wetlands company according to the 1987 Army Corps of Engineers' requirements. Design standards are set forth by the Lake County Subdivision Regulations and the zoning specifications of the township location of the subdivision. The preliminary plan is reviewed by the County Engineer, the Sanitary Engineer (if sanitary sewer), the Lake County General Health District (if there is septic), the township trustees, fire department, Lake County Soil and Water Conservation District, public utilities, the school district and then the County Building Department.

The staff and Commission look at the preliminary plan to ensure the proposed road layout meets the Lake County's Subdivision Regulations' design standards of 22 feet of pavement, a 60 foot right-of-way and a 120-foot diameter on the cul-de-sacs. We make sure it conforms to our block lines and the curbs meet our standards. This is the first time we are presented with the proposed water detention locations. This could change when the improvement plans are submitted after there has been a more detailed engineering survey. We look at the topography with requirements that there cannot be more than a 10% grade and look at swales. We require the location of existing roads and structures be shown on the plan. These structures need to conform to township zoning or the buildings need to be removed. Finally, we look at natural features: wetlands, ponds, streams, etc.

If the preliminary plan is approved or approved with conditions, then the proposed improvement plans and final plat may be submitted to the Planning Commission for consideration.

3. A. and 3.B - Approval of the Final Plat and Preliminary Improvement Plans by the Planning Commission

The final plat is the document that creates the lot divisions. When recorded, the developers or future owners only have to reference that plat to transfer it to a new owner.

The improvement plans show the detailed engineering information on how they plan to build the roads, how deep the sewers and storm sewers are going to be, where the detention ponds are going to be, the materials to be used for the sub-base, where the gas lines will be, and where the well lines will be for public use. These plans are based on actual field data and will be submitted to the different agencies that will make an approval review, send us comments, and give us basic stipulations to be addressed.

Staff then gives a presentation on the subdivision to the Planning Commission. The stipulations that were received from the different reviewing agencies are summarized and staff recommends whether the Commission should approve, approve with stipulations or deny the preliminary plan. Once the subdivision is in the system, the staff and Commission have 35 working days to approve the plan.

The Planning staff and other agencies review the final plat. Reviewing Agencies are: township trustees, County Engineer, Sanitary Engineer, water companies, and all local utilities. Once approvals are made and improvements are installed, the plat can be recorded.

4. Acceptance of the Improvement Plans

Ohio EPA and Army Corps of Engineers Permits must be obtained prior to approval of the improvement plans.

The Developer needs to have the improvement plans approved by the County Engineer, Sanitary Engineer or Health District, Soil and Water Conservation District, township fire department, County Planning Commission, Lake County Commissioners and the township trustees need to acknowledge that they have seen the plans. Once this is done, installation of the improvements may begin.

5. Recording of the Final Plat

The Developer or Engineer also will present a drawing showing the dimensions of the lots and right(s)-of-way. This is known as the final plat.

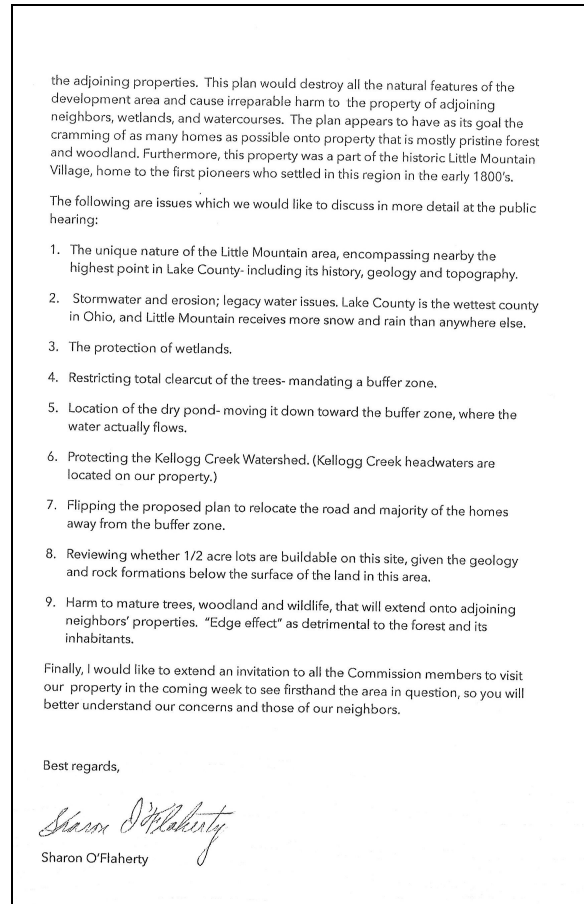
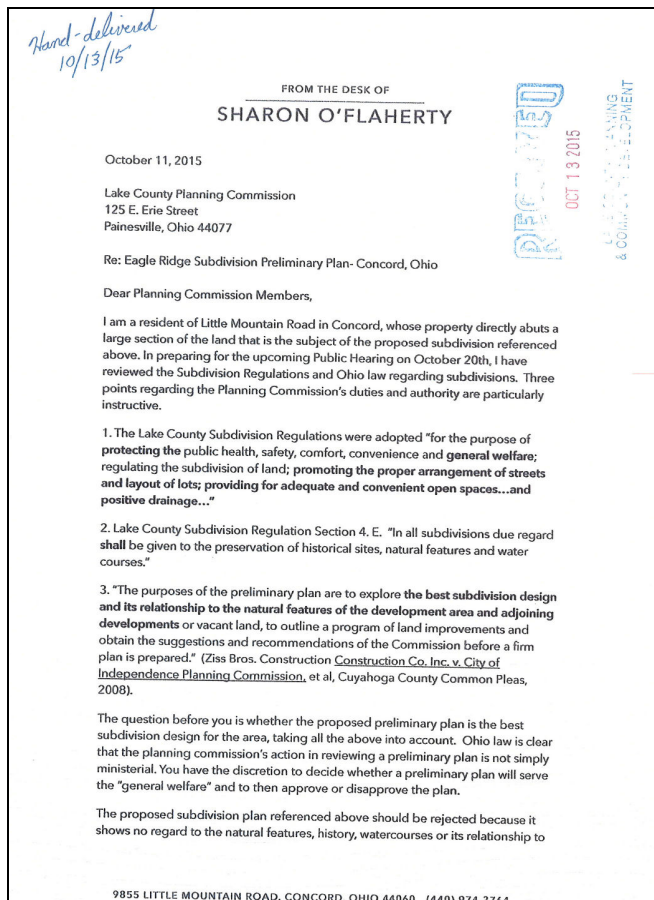
The developer has to get approval from Ohio E.P.A and the U.S. Army Corps of Engineers, which must be completed prior to the improvement plans being accepted by the Commissioners. The developer must also get signed approval from the County Engineer, Sanitary Engineer or the Health District, all local utilities, the Planning Commission, Prosecutor, the Board of Lake County Commissioners, and the board of township trustees will acknowledge the plat. Then at a public meeting, the Board of Lake County Commissioners accept the plat.

Once the plat is accepted, road construction can begin. The developer can put in the road and sanitary sewers, and then the other utilities can do their installations.

The plat will then need to be signed and recorded after the County Engineer ensures everything meets their standards.

The process can take six months to one year or even longer to complete depending on economic conditions, etc.

Below are the letters submitted to the Planning Commission prior to this Public Hearing:



Hand-delivered
10/13/15



Don McConnell
9855 Little Mountain Road
Concord, Ohio 44060
440-974-3764
donmcconnell@sbcglobal.net

October 13, 2015

Lake County Planning Commission
125 Erie Street
Painesville, Ohio 44077

RE: Eagle Ridge Proposed Subdivision in Concord

Dear Lake County Planning Commission,

I am writing to object to the proposed Eagle Ridge Subdivision in Concord Township for several reasons, set forth below. The plan as proposed will cause irreparable harm to the neighboring properties. The plan fails to take into consideration sustainable and compatible development alternatives for this unique area of Lake County.

The proposal will require a complete clearcut of all the trees on the site, which will adversely impact the recharge zones of the water wells used by most of the residents of Little Mountain Road. It will also cause increased storm waters to flow directly onto our properties. This could result in flooded basements and damage to roads. Alterations of water flow will have a negative impact on the headwaters of Kellogg Creek and the restored freshwater pond located on my property. The rerouting of waters needed to feed the Creek will cause a decrease in the fresh water needed to support the Creek and the wildlife that rely on these waters.

Wetlands have been identified on the property by the developer. The developer has indicated his intent to fill in those wetlands, which border my property. I understand that the Army Corps of Engineers must independently review the wetlands designation and they may determine there are even more wetlands on the site. However, the filling in of any wetlands on this should be prohibited. This area (Sublots 5 and 6 on the preliminary plan) should be maintained as green space for the protection and filtration of groundwater and stormwater. The wetland exists for a reason, as nature's natural barrier. No matter its size, it is significant.

Allowing the complete destruction of all wooded areas on the site will cause serious harm to the trees on the neighboring properties. The root systems of these mature and majestic

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trees will be impacted by clear-cut construction activities. Trees will die, some sooner, some later, many of which are irreplaceable in our lifetimes. This would force the affected landowners to incur costs of tree removal and replacement, perhaps years after the development has been completed. This would likely lead to litigation and triple damages, so the affected property owners could obtain reimbursement. In addition, the loss of trees on my property would impact the operation of the septic leach field which had to be installed between the pond and the property line in question. The trees help absorb the waters from the septic tank. If I lose trees in this area, my septic system may have to be altered, and that should not be at my expense. Other neighbors may have similar concerns.

To alleviate these concerns, the proposed plan should be rejected or significantly amended to provide a buffer zone of 30 feet from all adjoining property lines. This would help protect existing mature trees, maintain existing wetlands near the property lines, and help maintain the viewshed for neighboring property owners.

The plan should also be revised to limit the number of homes and to place the majority of the new homes closer to the condominiums currently being built towards the east. In this way, there would be better compatibility of homes and less tree removal would be necessary. In addition, the location of the retention basin on the plan as proposed will not alleviate the potential flooding to my property. This needs to be re-evaluated, as water does not flow in that direction on this site. It would make more sense to move the retention basin to the area of the buffer zone we are requesting, on the Little Mountain side of the plan.

Another concern with the number of new homes proposed in the plan is the strain that would be put on the city water system. I have city water but, being at the end of the line, we experience low water pressure. Allowing a tap into this line to service 15 additional homes will further deteriorate the pressure and impact the quality of service we receive. This needs to be reviewed.

This area of Little Mountain and Concord has always been an important wildlife habitat. There are many species of bats, owls, woodpeckers, blue and green heron, fox, and gray, black and red squirrels that use this area as nesting sites. I have seen the American Bald Eagle in the trees and taking fish from my pond on numerous occasions. The Subdivision Regulations state that a proposed subdivision plan may be forwarded to other agencies for their review. I request that the Ohio Department of Natural Resources be contacted for their review and comment regarding the impact this proposed subdivision would have on soils, water and wildlife in the area.

In conclusion, the proposed plan should be rejected and the wetlands preserved, as they serve a vital function for this area. The location of the street and the majority of homes

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should be moved away from the Little Mountain property lines in an effort to keep lot sizes and home sizes comparable. A minimum 30 foot buffer zones should be established from all existing property lines to any new lot.

As members of the Planning Commission, you have the authority and the duty to reject or alter proposed plans in order to ensure that the development is compatible with the existing community and to prevent harm to the property of adjoining neighbors, the community and the environment. This is set forth in the Subdivision Regulations and supported by Ohio case law. See Zias Bros. Construction v City of Independence, Ohio Ct. of Appeals, Dec. 24, 2008.

Thank you for your attention to this important matter.

Sincerely,

Don McConnell

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Robert King Schafer
9747 Little Mountain Road
Mentor, Ohio 44060

October 14, 2015

Mr. David Radachy, Director
Lake County Planning and Community Development
125 E. Erie Street
Painesville, Ohio 44077

Re: Concord Township-Eagle Estates Preliminary Plan

Dear Mr. Radachy,

I am upset about how Eagle Estates plans to develop the property located at 8361 Morley Road in Concord Township. Here are three of my reasons:

1. I believe that part of that parcel is a wetland. I say that because my family and I used to own the contiguous property on Little Mountain Road. When we were digging test holes for septic permits prior to selling our land, we did not dig in that area because it was a wetland. I do not think that our wetland stopped at the property line.

2. I am very concerned about the runoff and consequential flooding. The density of the proposed development will mean that a significant portion of the 11 plus acres will be covered by non-permeable substances like the road, driveways, walks and roofs. If you add this runoff to the huge runoff problem from the condominium development on the adjoining parcel, I think you will be writing a recipe for some real problems down the line. When we developed the Harwood Subdivision adjacent to the proposed Eagle Estates Subdivision, we were mandated to put in two large retention basins to alleviate any potential runoff problems. Apparently flooding is no longer a concern.

3. Little Mountain is a very historic area. Some of the most important people in the development of our country, such as John D. Rockefeller, were once members of the Little Mountain Club. (The Lake County Historical Society has his letter of resignation.) My family gave 54 acres on the top of Little Mountain to the Holden Arboretum, so that it would always remain unspoiled. When we developed our property on Little Mountain and Pinecrest Roads, we kept the lots to two acre minimums. The Crile family did the same on their adjoining land on Pinecrest Road. Other than the condominium development, that somehow was approved, Little Mountain is undoubtedly one of the loveliest residential areas in Lake County. Let's not spoil it!

Sincerely,

Mr. Zondag asked for comments from the audience in favor of this Preliminary Plan for Eagle Estates.

Mrs. Jeanette Mitrovich residing at 8361 Morley Road, Concord Twp., Ohio, was acknowledged by the Chair to speak. She began by stating what the freedom of speech entailed. It contained complaints, opinions, wants and desires, but most importantly, freedom of speech includes fact. She was an educator for 34 years. She wanted to give a short history to establish some facts. They moved to their home 39 years ago. When they moved there, there was absolutely no one else there. Eventually, homes started to come. The homes started coming across the street first and then the developments. Developments abutting their farm were Carriage Hills, Knightsbridge, Holden Ridge and then the Highlands. Also several homes were being built on Little Mountain Extension.

Mrs. Mitrovich said one fact is new homes and developments have been inviting a lot of residents to the area for many years. People have the right to move there.

A letter was sent to her neighbors by Don McConnell and Sharon O'Flaherty citing that there were concerns about the impact the Eagle Estates Subdivision would have on neighboring properties. There may be some neighbors attending tonight because of these letters. They also urged the neighbors to email or send letters to the Director of the Lake County Office of Planning and Community Development prior to the public hearing. She wondered if they had ever sent this information to neighbors in the past when other construction was going on, including houses on their street today.

The Chair asked her to address her comments to the Commission. She agreed.

Mrs. Mitrovich continued that they did not organize others when the natural habitat was being destroyed by the construction of other residents or those that are currently going on their street today. This was personally organized by Don and Sharron by sending this information to the neighbors. They organized them because they did not want us to have the right to do what we wanted to do with our property. They used the word impact. An impact to Mrs. Mitrovich was leaving your home on Father's Day and having a gas explosion two homes to your left practically destroying your barn and two automobiles. Mrs. Mitrovich had an objection to Mr. McConnell and Ms. O'Flaherty's request to being the decision-maker on the use of her property.

There were also concerns in the letters sent to the neighbors relating to the Health District. She has water and sanitary sewers, which are much healthier than the well water and septic systems that can be found on Little Mountain Road Extension.

The letter spoke of the natural habitat and trees. The fact is that everybody who has built a home has destroyed trees and natural habitat. There are parts of trees which have been cut in pieces in a pile toward the back of her property that do not belong to her. It is common knowledge that when you have a pond, it will breed mosquitoes. Mr. & Mrs. Mitrovich do not have a pond, but other people do. So other people are doing things that are not necessarily good for the environment at times.

You do not need to be a law school graduate to know the rights of property owners. As a teacher for 34 years, she taught her young citizens that life is "R&R" meaning respecting the rights of others. When you ignore these rights, it is called discrimination. Discrimination is bad enough, but when you add entitlement, that results in ignoring the rights of others. The real issue today is that the neighbors on

Little Mountain want my property as a backdrop as it has been all these years. This is not about wants. It is about rights.

Mrs. Mitrovich said there were concerns when the Highlands condominium development that abuts our property to the right was adding two new buildings. No one organized neighbors or sent letters. There were no letters when construction was and is taking place on Little Mountain Extension near their home. No action has been taken. They cannot be a Rip Van Winkle when it comes to rights. They are concerned now because it affects their property. They remained silent during other construction in the area. Their letter to my husband and myself stated "Our intention is to explore preserving the land and its natural habitat, perhaps through a conservation easement." You do not have the right to dictate what the owner does to their property. This is definitely, in her opinion, an attempt at discriminating.

In summary, Mrs. Mitrovich's said this attempt to block their rights and to decide the plans for their property reeks with a lack of respect for the owner's rights. They are attempting to keep her land as it is. They are attempting to make a plea to become the decision-maker of her property. She made an objection to this attempt to not respect the rights of the property owner and having an attitude of self-proclaimed domain on land which you do not own. Discrimination should not be tolerated. She quoted the saying, "Not in my backyard; yours is okay." She quoted from today's News-Herald, "If liberty means anything at all, it means the right to tell people what they do not want to hear."

There were no more comments in favor of the Preliminary Plan for Eagle Estates.

Mr. Zondag asked for comments from the audience objecting to the Preliminary Plan for Eagle Estates.

Mr. Don McConnell of 9855 Little Mountain Road Extension, Concord, Ohio, was recognized to speak by the Chair. They have been neighbors with the Mitroviches for about three years. He was by trade an Environmental Attorney, and prior to that had 15 years as a Wildlife Officer. He is a nature guy. He understood the owners' rights and the purpose of this Board. They restored the pond that was there because they liked the wildlife that showed up. The area is unique. Their position was, if it is going to be developed, it should be developed sustainably and compatibly. We are not objecting to what Judge Mitrovich wants to do with his property. Our total objection is to the proposed density. Mr. McConnell stated he was not sure if this was the first time the Commission had looked at the proposed Preliminary Plan, but thought if the Plan was flipped over it would make things a little nicer or to at least add some buffer zones. He has a lot of trees on his land. His fear was that once you put yellow metal on the ground, they will start tearing up the ground and the roots of his trees as well. When those trees die two or three years down the road, who covers the costs? His leech field system is helped by some of those trees by absorbing some material.

Mr. McConnell stated that they live in a very low area where there is a lot of standing water at the headwaters of Kellogg Creek. When they built, they were very in tune with the nature of the development and what was going on down through the watershed. With the impact of the new development, one of two things will happen. It will totally dry up or they would probably get flooded in that back side. There is a lot of water that comes off that hill. He knew the State was going to say this is the way they do cuts and slopes, but unfortunately, best plans do not always work out as they have seen in Madison and some other places where there is potential for flooding. There are homes being built but they are all two- or three-acre lots and compatible to what we have. His view will be totally altered because he will have 18 garages in his backyard. This property does not fit a rubber-stamp approach. He is the last house with City water and has very low pressure right now at 30-40 PSI at tops. If the waterline that comes up and around is

tapped into, he was not sure what it would do to the pressure. There is a fire hydrant in the front of his property. He would like this to be considered.

Mr. McConnell was also looking for maybe some small buffer zone, which he referred to as a small weapon to help. He did not understand the rule about less than 10 acres as opposed to 10 one-acre lots and wondered if there is any consideration of a buffer zone or green space for a recharge area. Some people have well water on their street and he questioned what would happen to them if they started to move that water away.

Mr. McConnell stated it was nice to listen to Mr. Radachy's presentation. In that talk, it was said that the Commission is able to look at the package as to compatibility to environmentally sensitive issues. If there are outstanding issues that do not fit the agenda, he asked them to take another look at that. This is upheld by a couple case laws in Ohio as well, but the Planning Commission is still seeking variances for judging post-permanent planning.

He summarized that he did respect the rights of his neighbors and was certainly not trying to cause trouble. He just meant to draw some attention. There are some other issues here that are a little different. They are looking for some buffer zones and maybe some other ideas. Flipping the proposed plat may change a lot of concerns on the water flow, the density and protective green area between the two property lines and the two homes. Compatibility and sustainability probably should be looked at to make a plan "B".

Mr. McConnell said, in addition to the proposed plan, having taken a quick looking at it where the detention basin was and where the ground water flow comes from; it is not nearly enough. He thought they should go in different directions.

Ms. Sharron O'Flaherty is married to Don McConnell. She is a lifelong Lake County resident, who grew up in Willowick. Her first job out of College was actually as a school teacher, in common with Mrs. Mitrovich. She then went to law school and in her first job as an assistant Lake County prosecuting attorney was assigned to Judge Mitrovich's courtroom. She had nothing but the greatest respect for Judge Mitrovich and Mrs. Mitrovich. She wanted to clarify that when they found out, somewhat by accident, that there was a Plan to develop this land, she immediately went to get a copy of the Plan. Out of an abundance of respect, they did write a letter to the Mitroviches saying they had just found out they were interested in selling the land. They would never tell them what to do with it. If there was an interest, they might be interested in purchasing it. She spoke to the Holden Arboretum, the Western Reserve Land Conservancy, and Lake County Metroparks. She had some history to share.

The Chair asked Ms. O'Flaherty to please direct her comments to the Commission.

Ms. O'Flaherty said that the Commission had the authority, ability, and responsibility to evaluate these plans and determine what is in the best interest of the general welfare by balancing the right of the homeowner with the general welfare. That is where this Plan has some problems. She shared a few pictures by PowerPoint to show this was a unique historic area. The home of Little Mountain Village and Little Mountain itself is the tallest point in Lake County. For that reason, they experience a lot of water issues.

Ms. O'Flaherty stated that Article I, Section 4E in the Lake County Subdivision Regulations is particularly important because it says the Commission shall give due regard to historical sites, natural features and water courses. There are all three of these things on the property in question. Little

Mountain Road is unique in that it dead-ends in the tuck of Little Mountain at 1,266 feet. It is a very dramatic rise and because of that, statistics and facts show that they had twice the water of anywhere else in northeast Ohio. They also have many natural springs, including on their property, along the base of the mountain. The land in question is part of the base of the mountain.

Uniquely, the neighbors to the right of them are actually in Geauga County and are Chardon residents. They are really a more rural area. They are not the typical cookie cutter subdivision that you would find in many of the communities that are in more densely populated areas in Lake County. They have four acres immediately behind the Mitroviches and everyone else on their street has a minimum of two acres. She mentioned a letter received from Mr. Schaffer, who is from a very historical family of the King- Schaffers. King Memorial is named after his grandfather. His family donated 45 acres at the top of Little Mountain to the Arboretum so that it could be forever preserved. Beyond that, his family was the developers of all of our neighbors. Their requirement was a minimum of two-acre lots. All the homes closer to Little Mountain have two-acre lots. She considered it the Commission's job to determine compatibility.

There are records that show that Little Mountain was inhabited as long ago as 5000 BC. It starts to get interesting because the first known settler came in the early 1800's. Some of the most important people in the Country spent time up there at a resort hotel. She would like to have this area designated as an historical site. She talked to Lake Metroparks about the possibility of a small park. Of course, none of that can happen without the cooperation of the owner. She brings this up as part of the background.

The Subdivision land was purchased by the current owners from Lake Erie College in 1975. Everyone who purchased land from the Schaffers has deed restrictions to maintain all the trees on our property with the exception of what is needed to take down the house. This is the distinction between the proposed Subdivision and what everyone else on Little Mountain has experienced. She showed a map of Little Mountain Village in 1898 that she purchased. Where Mr. Schaffer still lives was the very first post office in this area and a grocery store. She showed where the Mitroviches property was to the top of the mountain which is an area that needs to be protected. This was an important place, not just for people in Lake County, but from all over the State. People would take a horse drawn carriage to the top of Little Mountain.

The Chair and Secretary said they appreciated the background but were here to talk about a specific proposal. She was asked to limit her comments to the proposal.

Ms. O'Flaherty stated that local development is a stresser to the gradual ecosystem and it is the reason that we should be more careful with the development that is put up there. The owner's house is in the middle of the development. Everywhere around it is at least two acres and in many instances larger acres. There is no precedent for half-acre lots anywhere in this vicinity.

Ms. O'Flaherty said the Developer's study indicated there were wetlands. The wetlands are between her property and her immediate neighbor. We have concerns about this because the water flows, not up to the dry basin, but across and down. With these elevations, their property is getting water from both sides of Little Mountain and to the north of them. They did restore their pond, but they have water that comes from the proposed development right now at both sides of the house that flows into the pond and also into Kellogg Creek. The headwaters of Kellogg Creek are part of their property and deserve to be protected because whatever is done in the headwaters affects the entire watershed. The amount of runoff flowing onto her property is a real problem. The proposed development shows they will be taking down about 10 acres of trees that will create more runoff for them. She had spoken to Mr. Frank Kraska

that afternoon and confirmed that Concord Township has been on Little Mountain to fix erosion and flooding problems in 2013, 2015 and 2006.

Mr. Radachy stated that Mr. Kraska was Concord Township's Service Director.

Ms. O'Flaherty said this shows erosion issues already exist and would be complicated by taking down all those trees and adding more water problems. In the summer of this year, at their expense, they had to replace one of the pipes that went under the road and Concord people had to come to bolster bank erosion with stones and rock. The gas company came out to bury a gas line and Concord paid to put barriers in to try to short up the erosion issues that they cannot escape.

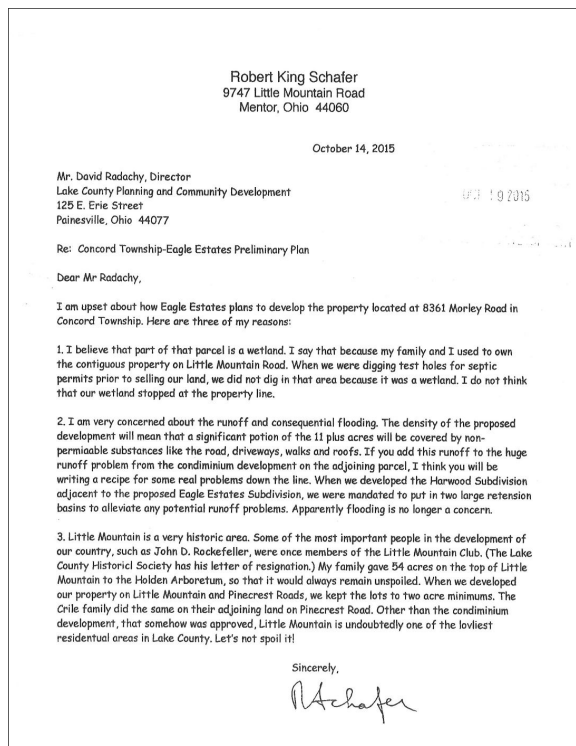
The Chair asked her to wrap up her talk because other people may want to talk.

She wanted to show the mature trees from their property view that would need to be taken down if this proposal goes forward. Their wetland expert has called it a wetland forest. She concluded with Mr. Leopold's comments, a professor in Wisconsin years ago, "We abuse land because we regard it as a commodity belonging to us, but it doesn't really belong to us. We are stewards. We take care of it for generations to come." They were asking the Commission to see that a plan that goes in there is better than the one being proposed. It is not good for Concord Township, Little Mountain or Lake County.

Mr. John Pogacnik living at 9875 Little Mountain Road, Concord, Ohio was recognized by the Chair. His concern was that they basically have two-acre lots all around this Subdivision. Kirtland Hills, which is right next to them, has five-acre minimums. Geauga County across the street has five-acre minimums. He questioned having half-acre lots in this development and compared it to Mentor. He stated that they lived in a township and were not trying to become a city.

Mr. Pogacnik's biggest concern was his well and septic. The well is very near to Mitrovich's property. No one has contacted him with what affect this would have to his property. He has erosion problems already and Concord does not respond at all to those concerns. This is not pristine land. It would require dynamite to excavate this because of the stone. There is less concern about the three houses being built up the road because they are on a Geauga County site, not on a Lake County site. He does not have water. When he built his house, he was told to put in a secondary area for a leech field, which goes right back to their property. He chose not to put it back there because he did not want it to affect that property and put it in the front. He would expect the same respect to his property and the rights to his property as anyone else.

Below is a letter that was submitted by Mr. Robert Schaffer.



Ms. Pesec asked for each property owner present to identify where they were located on a map. This was done.

The Chair asked for anyone else who would like to speak against the proposal.

Ms. Charlene Signorelli at 9885 Little Mountain Road, Concord, Ohio was recognized by the Chair to speak. She said they were neighbors of Don and Sharon and their property abutted the property of Mr. & Mrs. Mitrovich. They understood what they wanted to do with the property. Their main concern was the water issue. She questioned her well possibly drying up and all the water that will be coming onto their property that is already getting flooded when they get heavy rains.

The Chair again asked for anyone else who would like to speak against the proposal. There were no further responses.

ADJOURNMENT

Mr. Morse moved and Ms. Hausch seconded the motion to close the Public Hearing.

All voted "Aye."

The Public Hearing adjourned at 6:25 p.m.